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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,172	11/25/2000	Kia Silverbrook	NPS022US	3860

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SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA

EXAMINER

ABDULSELAM, ABBAS L

ART UNIT PAPER NUMBER

2674

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

<b>Office Action Summary</b>	<b>Application No.</b> 09/722,172	<b>Applicant(s)</b> SILVERBROOK ET AL.	
	<b>Examiner</b> Abbas I Abdulsalam	<b>Art Unit</b> 2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u> | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Claim Rejections 35 U.S.C. 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-14 are rejected under 35 U.S.C. 102 (e) as being anticipated by Westerman et al. (USPN 6323846).

Regarding claim 1, Westerman teaches a multi-touch surface apparatus for detecting spatial arrangement on the surface, which includes a digital code. See col. 8, lines 10-27 and Fig 1. Westerman teaches an array of proximity sensor means embedded in surface, scanning means for forming digital proximity images from proximities measured by the sensing means, image segmentation means and control tracking as well as identification means. See col. 8, lines 50-67, col.9, lines 1-14 and Fig 1. Furthermore, Westerman teaches the use of a multi-touch surface for the purpose of writing with the pen-grip configurations. See col. 41, lines 21-30 and Fig 28 (494, 495, 486).

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Regarding claims 2-3, Westerman teaches the output of identification process (247, 248) with respect to fingers and their attachments. In addition, Westerman teaches chord motion event generation with respect to attachment of a number of motion units. See Fig 16 and Fig 40 (678, 680).

Regarding claim 4, Westerman teaches orientation facts and contact orientations for various fingers and palm in different scenarios. See Fig 25 (A-D).

Regarding claims 5, and 7-8, Westerman teaches a proximity image of a hand in the pen grip configured with a thumb and index fingers. See Fig 15 and col. 11, lines 48-50.

Regarding claim 6, Westerman teaches a proximity sensor with respect to the distance between the touch device (38) and the sensing electrode (33). See Fig 2.

Regarding claim 9, Westerman teaches segmentation of regions including the movement of right and left hands and their positions (252) with respect to a region (284). See Fig 20(B-C).

Regarding claim 10, Westerman teaches a circuitry which is used to convert proximity sensor output to a digital code. See Fig 7 and col. 11, lines 25-26.

Regarding claims 11-12, Westerman teaches the current location and surface contact with respect to path velocities and acceleration. Westerman also teaches computation of percentage acceleration ratios. See Fig 22 (320), Fig 37 (551, 552), col. 27 lines 41-52.

Regarding claims 13-14, Westerman teaches a multi-touch surface with respect to a circuitry changing a voltage data into digital code as well as a circuitry communicating the digital code into another electronic device. See col. 8, lines 10-27.

### **Conclusion**

2. The prior art made of record and not relied upon is considered to applicant's disclosure.

The following arts are cited for further references.

U.S. Pat. No. 5,979,758 to Swartz

U.S. Pat. No. 5,340,972 to Sandor

U.S. Pat. No. 5,340,968 to Watanabe et al.

U.S. Pat. No. 5,875,108 to Hoffberg et al.

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3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulsalam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

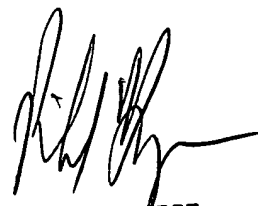
Hand delivered responses should be brought to crystal park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is (703) 306-0377.

Abbas Abdulsalam

Examiner

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**RICHARD HJERPE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**